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BIMBO BAKERIES USA, INC.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ALEX ANG and LYNN STREIT, individually ) and on behalf of all others similarly situated, )  Plaintiffs, )  v. )  BIMBO BAKERIES USA, INC., )  Defendant. )	Case No. 13-cv-1196 (WHO)  DEFENDANT’S OPPOSITION TO JAY NELKIN’S APPLICATION FOR ADMISSION PRO HAC VICE [DKT. NO. 96]
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Under Civil Local Rule 11-3(b), an attorney is not eligible for pro hac vice admission in this Court if he (1) resides in the State of California or (2) is regularly engaged in the practice of law in the State of California. This Court has characterized an attorney who appeared in five cases over a three-year period as one who “regularly practices law here.” *See Guguni v. Chertoff*, 2008 WL 2080788 at \*1 (N.D. Cal. May 14, 2008) (Larson, Mag.) (denying pro hac vice application).

Mr. Nelkin has appeared or sought to appear in 12 cases in this Court over the last three years and in 14 cases in the Northern District of California overall.<sup>1</sup> Mr. Nelkin has also appeared in a case filed in the Central District of California in 2009.<sup>2</sup> It is unknown in how many California state court cases Mr. Nelkin has appeared. In any event, BBUSA respectfully submits that an attorney who appears in an average of one case per quarter over a three-year period is certainly “regularly engaged in the practice of law” in California. On that basis, Mr. Nelkin’s application (Dkt. No. 96) should be denied.

Dated: January 8, 2015

HOGAN LOVELLS US LLP

By: /s/ Mark C. Goodman

Mark C. Goodman  
Attorneys for Defendant  
Bimbo Bakeries USA, Inc.

<sup>1</sup> For the Court’s reference, Mr. Nelkin’s cases in this Court, in addition to this one, include (1) Yunis et al v. Ferrellgas, L.P. et al (3:09-cv-03093-THE); (2) Jones v. ConAgra Foods, Inc. (3:12-cv-01633-CRB); (3) United States of America et al v. Coca-Cola Company (3:13-cv-02551-JCS); (4) Bankamerica Corp. v. Bank of New York, et al (3:96-cv-03684-SC); (5) Kosta v. Del Monte Corporation (4:12-cv-01722-YGR); (6) Maxwell v. Unilever United States, Inc. et al (5:12-cv-01736-EJD); (7) Avoy v. Sunsweet Growers Inc. (5:12-cv-01769-RMW); (8) Ogden v. Bumble Bee Foods, LLC (5:12-cv-01828-LHK); (9) Brazil v. Dole Food Company, Inc. et al (5:12-cv-01831-LHK); (10) Gustavson v. Wrigley Sales Company et al (5:12-cv-01861-LHK); (11) Khasin v. The Hershey Company (5:12-cv-01862-EJD); (12) Samet v. Proctor and Gamble Company (5:12-cv-01891-PSG); and (13) Trazo v. Nestle USA, Inc et al (5:12-cv-02272-PSG).

<sup>2</sup> This case was titled Lazaroff v. Ferrellgas, L.P. et al. (2:09-cv-04274-PSG-SS).